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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,638	11/18/2003	Dan Forsberg	0172.42240X00	3251
20457	7590	10/29/2004	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889			NOBAHAR, ABDULHAKIM	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/714,638	FORSBERG, DAN	
	Examiner	Art Unit	
	Abdulhakim Nobahar	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-48 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhang et al (2002/0174335 A1).

Regarding claims 1-3, 6-8, 31-33, 36 and 40-42, Zhang discloses a method for providing authentication, authorization and accounting (AAA) transactions in a wireless network (see, for example, abstract and [0028]). Zhang discloses that a mobile terminal (MT) receives services from an Internet service provider (ISP) having an authentication server through an access point (AP) (corresponding to the recited access network) with a server (see, for example, Fig. 1 and [0073]). Zhang also discloses that a secure channel (i.e., secure tunnel) is established between the MT and the AP (see, for example, [0025], [0026], [0043] and [0045]). Zhang further discloses that in one embodiment IPSEC is used for per-packet encryption between a MT and an AP (see, for example, [0029], [0067] and [0068]). In this embodiment every packet is encrypted and authenticated. As Fig. 2 and the procedure explained at [0073] through [0082]

demonstrate that all transmitted messages are encrypted (corresponding to the recited establishing of the secure tunnel) while (corresponding to the recited at least partially simultaneous) authentication of a MT is being performed. This means that authentication process starts right after a secure channel is established.

Regarding claims 4-5, 34-35, 39, 43-44 and 48, Zhang discloses that the preferred embodiment of his invention provides a mechanism to prevent a denial of service attack by a hacker during the authentication of a user after establishing a secure channel. This is done by APs making intelligent decision while relaying user authentication certificate (corresponding to the recited a request for an identification of the user equipment). Zhang also discloses that IPSEC is used for the communication between the user and AP to ensure data integrity (corresponding to the recited a request for capability of the user equipment to support at least one data protocol) (see, for example, [0065]-[0067]).

Regarding claims 9-10 and 45, Zhang discloses that both the AP and the service provider (i.e., an ISP) each include a server in their networks (see, for example, [0055] and [0073]).

Regarding claims 11-20, 37 and 46, Zhang discloses that the messages transmitted between a mobile user and an AP network are encrypted (corresponding to the recited the secure tunnel is established) and the communication is performed

between the mobile user equipment and a server that is included in the AP network (see, for example, [0045], [0073] and Fig. 2, NASP).

Regarding claims 21-23, 26-27, 38 and 47, Zhang discloses that a mobile user connection with an AP network is a wireless connection (see, for example, [0055]).

Regarding claims 24-25, these claims are rejected as applied to the like elements of claims 4 and 5 as stated above.

Regarding claims 28-30, Zhang discloses that a roaming user accesses an ISP or a home network through a local network (i.e., an access or visited network) see, for example, [0047], [0051] and [0060]).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent Application Pub. No. 2003/0163727 A1 to Hammons et al.

US Patent No. 5,241,598 to Raith.

US Patent Application Pub. No. 2003/0093539 A1 to Simeloff et al.

US Patent Application Pub. No. 2002/0066035 A1 to Dapp.

US Patent No. 6,088,451 to He et al.

US Patent Application Pub. No. 2003/0163704 A1 to Dick et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdulhakim Nobahar whose telephone number is 703-305-8074. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 703-305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdulhakim Nobahar
Examiner
Art Unit 2132

AN

October 26, 2004


GILBERTO BARRON
SUPERVISORY PATENT EXAMINER
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